

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RACHEL MENDOZA GARCIA,  
Individually, and on Behalf of All  
Wrongful Death Beneficiaries of ISAAC  
JOSEPH DURAN, Deceased,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

Case No. 1:24-cv-01128-KES-BAM

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

Docs. 5, 15

This action arises from the death of Isaac Joseph Duran while he was an inmate at Kern Valley State Prison. Doc. 1. Rachel Mendoza Garcia, decedent's mother, initiated this action individually and on behalf of all wrongful death beneficiaries against defendants California Department of Corrections and Rehabilitation, Warden Christian Pfeiffer, former CDCR Secretary Kathleen Allison, and CDCR Secretary Jeff Macomber. *Id.* Defendants moved to dismiss the complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(7). Doc. 5. The motion was referred to the assigned magistrate judge for the preparation of findings and recommendations and/or other appropriate action. Doc. 6.

On September 2, 2025, the magistrate judge issued findings and recommendations that defendants' motion to dismiss be granted in part and denied in part. Doc. 15. Specifically, the

1 magistrate judge recommended that: (1) defendants’ motion to dismiss based on plaintiff’s lack  
2 of standing to bring claims “on behalf of all wrongful death beneficiaries” be granted with leave  
3 to amend to remove any assertion or allegation that plaintiff brings this action “on behalf of all  
4 wrongful death beneficiaries of Isaac Joseph Duran,” and to clarify her standing as the sole  
5 wrongful death beneficiary; (2) defendants’ motion to dismiss under Rule 12(b)(7) be denied as  
6 moot; (3) defendants’ motion to dismiss the first and second causes of action, to the extent they  
7 are brought under the Fourteenth Amendment, be granted without leave to amend the Fourteenth  
8 Amendment claims for failure to protect or failure to provide medical care; (4) defendants’  
9 motion to dismiss the sixth cause of action for violation of the Eighth Amendment be granted  
10 with leave to amend; (5) defendants’ motion to dismiss the third cause of action for deprivation of  
11 the right to familial relationship with decedent under the Fourteenth Amendment be granted with  
12 leave to amend; (6) defendants’ motion to dismiss the fourth cause of action for supervisory  
13 liability be granted with leave to amend; (7) defendants’ motion to dismiss the fifth cause of  
14 action for negligence-wrongful death be granted with leave to amend; (8) defendants’ motion to  
15 dismiss the seventh cause of action for violation of the Americans with Disabilities Act (“ADA”)  
16 and Rehabilitation Act against defendants Allison, Macomber, and Pfeiffer in their individual  
17 capacities be granted without leave to amend; (9) defendants’ motion to dismiss the seventh cause  
18 of action for violation of the ADA and Rehabilitation Act otherwise be granted with leave to  
19 amend; (10) defendants’ motion to dismiss the state law claims based on California Government  
20 Code §§ 845.2 and 820.2 be denied; (11) defendants’ motion to dismiss plaintiff’s § 1983 claims  
21 against CDCR be granted without leave to amend; (12) defendants’ motion to dismiss the ninth  
22 cause of action for violation of California Government Code § 845.6 be granted with leave to  
23 amend; and (13) defendants’ motion to dismiss defendant Allison from this action be granted  
24 without leave to amend. *Id.* The findings and recommendations were served on the parties and  
25 contained notice that any objections thereto were to be filed within fourteen (14) days of service.  
26 *Id.* at 29. Neither plaintiff nor defendants filed objections, and the time to do so has expired.

27 In accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of  
28 this case. Having carefully reviewed the file, the Court concludes that the findings and

1 recommendations are supported by the record and proper analysis.

2 Accordingly,

- 3 1. The findings and recommendations issued on September 2, 2025, Doc. 15, are adopted  
4 in full;
- 5 2. Defendants' motion to dismiss, Doc. 5, is granted in part and denied in part as follows:
  - 6 a. Defendants' motion to dismiss based on plaintiff Mendoza Garcia's lack of  
7 standing to bring claims "on behalf of all wrongful death beneficiaries" is  
8 granted. Plaintiff Mendoza Garcia is granted leave to amend to remove any  
9 assertion or allegation that she brings this action "on behalf of all wrongful  
10 death beneficiaries of Isaac Joseph Duran," and to clarify her standing as the  
11 sole wrongful death beneficiary;
  - 12 b. Defendants' motion to dismiss under Rule 12(b)(7) is denied as moot;
  - 13 c. The first and second causes of action, to the extent they are brought under the  
14 Fourteenth Amendment, are dismissed without leave to amend;
  - 15 d. The sixth cause of action for violation of the Eighth Amendment, third cause  
16 of action for deprivation of the right to familial relationship with decedent  
17 under the Fourteenth Amendment, fourth cause of action for supervisory  
18 liability, fifth cause of action for negligence-wrongful death, seventh cause of  
19 action for violation of the ADA and Rehabilitation Act, and ninth cause of  
20 action for violation of California Government Code § 845.6 are dismissed with  
21 leave to amend;
  - 22 e. The seventh cause of action for violation of the Americans with Disabilities  
23 Act and Rehabilitation Act against defendants Allison, Macomber, and Pfeiffer  
24 in their individual capacities is dismissed without leave to amend;
  - 25 f. Defendants' motion to dismiss the state law claims based on California  
26 Government Code §§ 845.2 and 820.2 is denied;
  - 27 g. Plaintiffs' § 1983 claims against CDCR are dismissed without leave to amend;
  - 28 h. Defendant Allison is dismissed from this action, without leave to amend; and

1 3. Plaintiff Mendoza Garcia may file an amended complaint within twenty-one (21)  
2 days of the date of service of this Order. If plaintiff fails to file an amended  
3 complaint, then the action may be dismissed without prejudice for failure to prosecute  
4 and failure to obey the Court's order.

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7 IT IS SO ORDERED.

8 Dated: October 25, 2025

  
UNITED STATES DISTRICT JUDGE